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Letter dated 14 May 2012 from the Chair of the Peacebuilding Commission, in its Liberia configuration, to the President of the Security Council

On behalf of the Peacebuilding Commission, in its Liberia configuration, I have the honour to transmit to you the outcome document of the first review of the Statement of Mutual Commitments.

The outcome document slightly updates the commitments of the Government as well as those of the Peacebuilding Commission and proposes new deliverable targets for the second year of engagement by the Commission. The outcome document is based on the report entitled "Review of progress in the implementation of the statement of mutual commitments on peacebuilding in Liberia" (PBC/6/LBR/1). The report outlines the progress and challenges of the first nine months of the Commission's engagement in the three peacebuilding priorities: strengthening the rule of law, supporting security sector reform and promoting national reconciliation.

In response to the request of the Security Council contained in its letter dated 19 July 2010 for the Commission's advice and recommendations on these three priorities (A/64/870-S/2010/389), the Liberia configuration would like to share a summary of the findings of the report, which underlie the outcome document. Overall, the reporting period witnessed increased political will for judicial reform, a major evolution in the legal framework for the security sector and progress towards a more concerted approach to national reconciliation.

Yet, while the professional capacity of the justice and security systems are being developed, greater attention by the Government of Liberia and the international community is needed to ensure that legitimate political process underlie these efforts. Towards this end, a couple of the Government's commitments have been amended to focus on engaging the public in political dialogues. In turn, according to the findings of the World Bank's *World Development Report 2011: Conflict, Security and Development*, these institutions will be perceived as legitimate by the entire population. A core component to building such processes will be addressing the historical divide in Liberian society that lies at the root of most of the causes of the Liberian conflict.

The justice system of Liberia is making commendable progress. A jury bill is pending before the Legislature, which should significantly reduce the backlog of court cases and in turn lower the high pretrial detention rates. National institutions — the Judicial Institute and the Law School — are incrementally

building a cadre of legal professionals to be deployed throughout the country. Plans are also being developed to ensure that prosecutors and public defenders are installed in step with the number of cases being brought to trial. At the same time, linkages among the different rule of law actors are being developed systematically.

The Land and Law Reform Commissions are moving forward in realizing their mandates. An alternative dispute resolution system is being piloted, potentially diverting tens of thousands of land disputes from the formal courts. The bill creating the Law Reform Commission has been enacted. The Law Reform Commission has developed a five-year strategic plan that contains proposals to remedy, among other weaknesses, the limited engagement of the public in legal reform.

Nonetheless, the Peacebuilding Commission continues to underscore that a key component of judicial reform is oversight and accountability. Historically, the legal profession's reputation among the general public has been poor, and it remains so today. This is due in large part to ineffectual, weak or non-existent oversight and accountability mechanisms for justice actors, which permits rampant corruption. At the same time, there is a need to more resolutely harmonize the customary and statutory legal systems.

In terms of security sector reform, the Peacebuilding Commission has found that a security presence is gradually being established throughout the country. The enactment of the long-standing National Security Reform and Intelligence Act was a significant achievement. Civilian oversight is a cornerstone of the act and of the strategic plans for Liberian security institutions. Yet, and in a similar manner to the justice sector, oversight has not been fully translated into mechanisms that are adequately equipped to meet the task. In addition, the international community needs to fully appreciate that, while great effort has gone into training and structural reform, security actors lack basic equipment to carry out their jobs and more advanced training is required if they are to provide adequate security throughout the country.

The first regional justice and security hub — a core peacebuilding project that will be instrumental in enabling the Government to deliver justice and provide stability throughout the country — has become partially operational. Plans for the next two hubs have been initiated. Engagement with the local populations on the project, however, has not kept pace with construction and deployment activities. The Peacebuilding Commission has drawn attention to the historic dual political, social and legal systems that have polarized and marginalized large segments of Liberian society. Consequently, the Commission has strongly advocated for greater attention to be given to community outreach as justice and security actors are deployed in remote parts of the country, to better ensure that the hubs contribute to building peace rather than serving as a potential trigger of conflict.

The Government of Liberia has increased the budgets for justice and security institutions. The United Nations and the World Bank have carried out a public expenditure review of the two sectors. The Peacebuilding Commission has started to examine ways to use this review to advise the Government on how to gradually absorb recurring costs into the national budget as a means of ensuring the sustainability of justice and security projects.

A main concern for the Peacebuilding Commission is the disparity that exists between progress made in the rule of law and security sector reform on the one hand

and national reconciliation on the other. The President has submitted her quarterly reports on the follow-up to the Truth and Reconciliation Commission report assigning various recommendations to different Government bodies. Outside of the release of a workplan by the Independent National Commission for Human Rights, no further progress reports have been provided. During its delegation mission in June 2011, the Commission, in consultation with national and international stakeholders, sought and obtained the President's agreement to prepare a national strategy on reconciliation. The strategy should establish a coherent approach to reconciliation activities that thus far has been missing. It will, nonetheless, be a daunting challenge that requires political space to continue to evolve. Human rights considerations, in particular those related to gender, will also need to be properly incorporated into the strategy.

At the regional level, Liberia is benefiting from a growing subregional security regime under the auspices of the Economic Community of West African States (ECOWAS). The Government of Liberia has signed a memorandum of understanding on the West Africa Coast Initiative aimed at combating organized crime and drug trafficking. The Transnational Crime Unit was launched in July 2011. The Liberia configuration of the Peacebuilding Commission has joined efforts with other configurations in West Africa, in coordination with the United Nations Office on Drugs and Crime, the Department of Political Affairs, the Department of Peacekeeping Operations and Interpol, to identify means of supporting ECOWAS in combating transnational crime.

During the reporting period, the Peacebuilding Commission sought to build relations with national and international stakeholders. In its advisory role, the Commission drew on a wealth of expertise to articulate independent recommendations on peacebuilding challenges in Liberia. The Commission also supported the translation of the Statement of Mutual Commitments into the Liberia peacebuilding programme, which contains a series of projects to support the Government in achieving its commitments. The preparation of the programme was exemplary in enhancing coordination and coherence, being inclusive and participatory and building linkages between the field and the Commission at Headquarters. Alongside the jointly led Government and United Nations coordination structures, donors established the Justice and Security Donor Coordination Group to address a gap in information exchange. The Commission actively participated in the finalization of the programme, sharing written comments and participating in key meetings in Monrovia by videoconference.

In terms of resource mobilization and awareness-raising, the Peacebuilding Commission has solidly positioned itself. As part of its resource mobilization efforts, the Commission will highlight the successes of projects funded by the Peacebuilding Fund to persuade donors to invest in unfunded peacebuilding projects. To facilitate a targeted approach by the Commission, a resource mobilization strategy and workplan are being finalized. A growing network of non-governmental actors interested in Liberia and/or peacebuilding is also being kept abreast of Commission activities in Liberia. The Peacebuilding Support Office, in consultation with the Commission, allocated an initial financial contribution of $20.4 million from the Peacebuilding Fund.

The Liberia configuration of the Peacebuilding Commission stands ready to provide any further information that may be required. On behalf of the

configuration, I will be undertaking my first trip to Liberia as the new Chair from 14 to 18 May 2012. I will be examining the situation further and will keep the Security Council informed through further analysis of the core issues, progress and challenges involving the three priority areas.

(*Signed*) Staffan **Tillander**
Chair
Liberia configuration
Peacebuilding Commission